

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JAMES LITTERAL,

Applicant,

v.

No. CV 10-744 MCA/WDS

LUPE MARSHALL, et al.,

Respondents.

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**ORDER**

The Court having entertained this habeas corpus proceeding in forma pauperis pursuant to 28 U.S.C. §§ 2241, 2254, and the Court having determined that the application is not subject to summary dismissal, *see* 28 U.S.C. § 2254 R.1(b), 4,

IT IS ORDERED that Respondent shall answer said application within thirty (30) days from the date of entry of this Order. Respondent's answer shall advise, but is not limited to, whether the Applicant has exhausted his state court remedies as to the issues raised in the federal application. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Applicant in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued in Applicant's state court post-conviction or appellate proceedings. In the event Respondent denies exhaustion, Respondent shall identify the State procedures currently available to Applicant given the nature of Applicant's claims and their procedural history.

IT IS FURTHER ORDERED that until such time as Applicant may be represented by counsel the Clerk shall forward to Applicant a copy of this order and any subsequent orders filed in this proceeding.

A handwritten signature in black ink, appearing to read 'WDS', is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE